

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2002-091664

02/24/2004

HONORABLE MARK R. SANTANA  
FOR HONORABLE BETHANY G. HICKS

CLERK OF THE COURT  
C. Kelly  
Deputy

FILED: 02/26/2004

PARADISE MOUNTAIN SHADOWS  
HOMEOWNERS AS

CHARLES E MAXWELL

v.

GALLERIA HOMES LLC, et al.

JAMES L TANNER

BRADLEY D WEECH

MINUTE ENTRY

The court has reviewed the defendant Galleria Homes L. L. C.'s (Galleria) Motion to Enforce October 8, 2003 Settlement Agreement, the response and reply.

The court determines that an evidentiary hearing is necessary to decide whether Jim Buhl (Buhl) and Denny Mullins (Mullins) had the authority, whether actual or within the scope of A.R.S. § 10-3845, to execute the settlement agreement on behalf of the plaintiff.

The hearing will be strictly limited to these issues.

Galleria is seeking enforcement of the agreement, and will present its case first. Because there are legal and factual issues as to the authority of Buhl and Mullins to sign the agreement, and defendant Galleria is seeking to enforce that agreement, defendant Galleria has the burden of proving that the Buhl and Mullins had signing authority.

The hearing will be limited to three hours and each side will have 90 minutes, including examination and cross-examination to present its position.

IT IS ORDERED:

- (1) Setting this matter for a three (3) hour evidentiary hearing on March 12, 2004, starting at 1:30 p.m.;

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- (2) The parties will meet in advance with the clerk to have all exhibits marked.